

REMARKS

New Claim 25 is added. Claims 1, 5-9, 13-17 and 21-25 are pending. Claims 1, 9 and 17 are amended herein. No new matter is added as a result of the claim amendments.

103 Rejections

The instant Office Action states that Claims 1, 5-9, 13-17 and 21-24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Stoodley et al. ("Stoodley;" U.S. Patent No. 6,182,282) in view of Hunt (U.S. Patent No. 6,263,491). The Applicants have reviewed the cited references and respectfully submit that the present invention as recited in Claims 1, 5-9, 13-17 and 21-24 is not anticipated nor rendered obvious by Stoodley and Hunt, alone or in combination.

Independent Claim 1 recites "creating an instruction for said virtual function, said instruction comprising a control transfer function that directs execution to instrumentation code; ... loading said address for said instruction upon determining that a call to said virtual function is a virtual function call" (emphasis added), and independent Claims 9 and 17 recite similar limitations.

In the instant Office Action, Stoodley is cited as showing "creating an instruction for said virtual function." Specifically, Stoodley cites "compiling a call to a virtual function," and the instant Office Action attempts to equate "compiling a call" with "creating an instruction."

It is recognized that claims are to be given their broadest reasonable interpretation; however, it is also recognized that broadest reasonable interpretation must be consistent with the interpretation that those skilled

in the art would reach. Therefore, Applicants respectfully submit that "compiling a call to" is not equivalent to, and would not be reasonably interpreted as, "creating an instruction for."

Even if the Examiner persists in equating "compiling a call" with "creating an instruction," Applicants respectfully submit that the "call" of Stoodley cannot be equated with the "instruction" of independent Claims 1, 9 and 17. The "call" of Stoodley is a call to a virtual function. As specifically recited in Claims 1, 9 and 17, the "instruction" of the claims is loaded in response to a call to a virtual function and directs execution to instruction code. The "instruction" of the claims is therefore in addition to a "call."

The instant Office Action proceeds to state that an "instruction comprising a control transfer function that directs execution to instrumentation code" is taught by Stoodley's "determining a location of an entry for said virtual function in a virtual function table" and "transferring execution of the program to the address indicated by the address pointer contained in said entry." However, the "address pointer" of Stoodley points to either: i) "an inherited virtual function and an address adjustment value;" or ii) "the location of an address adjustment program" or "an address of a virtual function," none of which shows or suggests instrumentation code. Thus, Applicants respectfully submit that neither the cited portions of Stoodley, nor Stoodley in its entirety, shows or suggests directing execution to instrumentation code, as recited in independent Claims 1, 9 and 17.

To summarize, Applicants respectfully submit that independent Claims 1, 9 and 17 are not shown or suggested by Stoodley. Applicants

respectfully submit that Hunt does not overcome the shortcomings of Stoodley.

Specifically, Applicants respectfully submit that Hunt, alone or in combination with Stoodley, does not show or suggest “creating an instruction for said virtual function, said instruction comprising a control transfer function that directs execution to instrumentation code; ... loading said address for said instruction upon determining that a call to said virtual function is a virtual function call, thereby directing execution to said instrumentation code; and executing said instrumentation code to perform an instrumentation task for said virtual function” as recited in independent Claim 1 and as similarly recited in independent Claims 9 and 17.

The instant Office Action cites column 3 (line 50), column 11 (lines 1-2) and column 9 (lines 49-51) of Hunt as teaching the claim limitations cited above. Applicants respectfully disagree. Hunt merely mentions instrumentation packages. Hunt also merely mentions a virtual function table, but only in the context of making the location of a COM component transparent. The cited portions of Hunt, even in combination with Stoodley, do not show or suggest instrumenting virtual functions, as claimed. Furthermore, even taken in its entirety, Hunt (alone or in combination with Stoodley) does not address instrumenting virtual functions, either in general or in the particular manner recited by independent Claims 1, 9 and 17.

Therefore, Applicants respectfully submit that the present claimed invention as recited in independent Claims 1, 9 and 17 is not shown or suggested by Stoodley and Hunt, alone or in combination. Accordingly, Applicants respectfully submit that the basis for rejecting Claims 1, 9 and

17 under 35 U.S.C. § 103(a) is traversed, and that these claims are in condition for allowance. As such, Applicants respectfully submit that the basis for rejecting Claims 5-8, 13-16 and 21-24 under 35 U.S.C. § 103(a) is also traversed, as Claims 5-8, 13-16 and 21-24 are dependent on allowable base claims and contain additional limitations that are patentably distinguishable over Stoodley and Hunt.

Conclusions

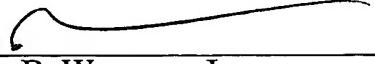
In light of the above remarks, Applicants respectfully request reconsideration of the rejected claims.

Based on the arguments presented above, Applicants respectfully assert that Claims 1, 5-9, 13-17 and 21-24, as well as new Claim 25, overcome the rejections of record and, therefore, Applicants respectfully solicit allowance of these claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,
WAGNER, MURABITO & HAO LLP

Date: 3/3/05


John P. Wagner, Jr.
Reg. No. 35,398

Two North Market Street
Third Floor
San Jose, California 95113
(408) 938-9060